

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VIRGIL GREEN,

Plaintiff,

Case No. 1:09-cv-130

v

HON. JANET T. NEFF

SHIRLEE HARRY et al.,

Defendants.

OPINION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed a motion for preliminary injunction and a motion for a temporary restraining order, requesting that the Court order Defendants to provide him with a Halal diet. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court deny Plaintiff's motions. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. Also before the Court is Plaintiff's Amended Motion for Preliminary Injunction. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and approves and adopts the Report and Recommendation as the opinion of this Court. The Court also denies the Amended Motion for Preliminary Injunction and enters this Opinion and Order.

Plaintiff's objections merely indicate his disagreement with the Magistrate Judge's conclusions. He asserts, for example, that he has shown a likelihood of success on the merits (Dkt 42 at 2). Plaintiff does not, however, demonstrate any error by the Magistrate Judge. The Court therefore denies Plaintiff's objections.

Plaintiff has also filed an Amended Motion for Preliminary Injunction (Dkt 40). His memorandum in support of the amended motion (Dkt 41), however, presents issues and arguments nearly identical to those in his previous motion (Dkt 31). Plaintiff has merely amplified his request for relief and now seeks damages. All of Plaintiff's arguments were before the Magistrate Judge at the time of the Report and Recommendation or are otherwise incorporated in his previous or pending filings. Because the Court now approves and adopts the opinion of the Magistrate Judge as its own, the Court denies Plaintiff's Amended Motion for Preliminary Injunction for the reasons stated therein.

For these reasons and because this action was filed *in forma pauperis*, the Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Opinion and Order would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997).

An Order will be entered consistent with this Opinion.

Dated: December 14, 2009

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge